

ORAL ARGUMENT SCHEDULED FOR OCTOBER 18, 2013**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 12-5020
(C.A. 05-2337)

JAMES H. ROANE, *et al.*, Appellees,

JEFFREY PAUL, Appellant,

BRUCE WEBSTER, *et al.*, Appellees,

v.

MICHELE M. LEONHART, Administrator,
Drug Enforcement Administration, *et al.*, Appellees.

**FEDERAL APPELLEES' UNOPPOSED MOTION TO POSTPONE ORAL
ARGUMENT IN LIGHT OF LAPSE OF APPROPRIATIONS**

Federal Appellees (hereinafter referred to as “Government”) respectfully move, pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure to continue the oral argument currently scheduled for October 18, 2013, until a reasonable amount of time after the partial shutdown of the federal government to allow counsel to be well prepared for oral argument. Counsel for Appellant and the non-federal appellees do not oppose the relief being sought in this motion. The grounds for this motion are set forth below.

At midnight on September 30, 2013, the appropriations act that had been funding the Department of Justice (“Department”) expired, and the appropriations

for the Department have now lapsed. The same is true for most Executive agencies. As of the date and time of this filing, Congress has not yet passed a continuing resolution or other legislation to fund the federal government after September 30, 2013. Absent an appropriation, most Department of Justice attorneys and the employees working on this matter are currently prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. Despite the gravity of the issues underlying some aspects of this litigation, the Government respectfully submits that this appeal does not involve an emergency.

Undersigned counsel for the Government therefore requests that the Court continue the date for oral argument in this case until a reasonable amount of time after funding for federal government operations has been approved and another date is available that is convenient to the Court.

This motion is being filed in good faith and not for purposes of undue delay. Denying this motion could unfairly prejudice the government because of the interference of the shutdown particularly on civil defensive litigation involving cases such as this one. Adequate and sufficient preparation for oral argument should be permitted for Government counsel.

WHEREFORE, although undersigned counsel greatly regret the disruption caused to the Court and the other litigants, the Government hereby moves to continue the oral argument in this case until after Department of Justice attorneys are permitted to resume their usual civil litigation functions.

RONALD C. MACHEN JR.
United States Attorney

/s/ R. Craig Lawrence
R. CRAIG LAWRENCE
Assistant United States Attorney

BENTON PETERSON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2013, the foregoing *Federal Appellees' Unopposed Motion to Postpone Oral Argument in Light of Lapse of Appropriations* was served on all counsel electronically via this Court's Electronic Case Filing System.

/s/ R. Craig Lawrence

R. CRAIG LAWRENCE

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